

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §
McCOLLUM, individually, and STEPHANIE §
KINGREY, individually and as independent §
administrator of the Estate of LARRY GENE §
McCOLLUM, §

PLAINTIFFS §

v. §

CIVIL ACTION NO.

4:14-cv-03253

BRAD LIVINGSTON, JEFF PRINGLE, §
RICHARD CLARK, KAREN TATE, §
SANDREA SANDERS, ROBERT EASON, the §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH and the TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §

DEFENDANTS §

**DEFENDANTS TDCJ, LIVINGSTON, PRINGLE, CLARK, TATE, SANDERS AND
EASON'S UNOPPOSED MOTION FOR LEAVE TO FILE THEIR AMENDED
ANSWER OUT OF TIME**

Defendant TDCJ and individual Defendants, Brad Livingston, Jeff Pringle, Richard Clark, Karen Tate, Sandra Sanders, and Robert Eason in their individual capacities, by and through their attorneys, the Office of the Attorney General of Texas seek leave to file their amended answer out of time and submit as follows:

Defendants' amended answer was due on September 9, 2015 pursuant to Fed. R. Civ. P. 15. After the stay was lifted, Defendants continued to investigate the allegations against the new defendants.

Defendants have contact counsel for Plaintiffs, Scott Medlock, and he is not opposed to the filing of this motion contemporaneously with the amended answer before 12:00 p.m. on Wednesday, September 30, 2015.

Accordingly, Defendants request that this Court grants them leave to file their amended answer.

Respectfully submitted,

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Attorney General of Texas

CHARLES E. ROY

First Assistant Attorney General

JAMES E. DAVIS

Deputy Attorney General for Civil Litigation

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Chief, Law Enforcement Defense Division

/s/Cynthia L. Burton

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ATTORNEYS FOR TDCJ DEFENDANTS

CERTIFICATE OF CONFERENCE

As noted above, I, **DANIEL C. NEUHOFF**, had a conferences with Plaintiffs' counsel, Scott Medlock, by phone on September 28, 2015 with regard to the instant motion and he indicated that Plaintiffs are **unopposed** to the filing of this motion for leave and amended answer before 12:00 p.m. on Wednesday, September 30, 2015.

/s/ Daniel C Neuhoff
DANIEL C. NEUHOFF
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **CYNTHIA L. BURTON**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing **Defendants TDCJ, Livingston, Pringle, Clark, Tate, Sanders, and Eason's Motion for Leave to File Amended Answer Out of Time** in accordance with the Electronic Case Files system of the Southern District of Texas, on this the 30th day of September, 2015.

/s/ Cynthia Lee Burton
CYNTHIA LEE BURTON
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **CYNTHIA L. BURTON**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants TDCJ, Livingston, Pringle, Clark, Tate, Sanders, and Eason's Motion for Leave to File Amended Answer Out of Time** has been served to Plaintiffs' attorneys in accordance with the Court's electronic filing system on the 30th day of Sept. 2015.

/s/ Cynthia Lee Burton
CYNTHIA LEE BURTON
Assistant Attorney General